

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below adjacent to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of subject matter (process, machine, manufacture, or composition of matter, or an improvement thereof) which is claimed and for which a patent is sought by way of the application entitled

SYSTEM FOR CONTENT BASED MUSIC SEARCHING

which (check) ☒ is attached hereto.
☐ and is amended by the Preliminary Amendment attached hereto.
☐ was filed on _____ as Application Serial No.
☐ and was amended on ____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

| Prior Foreign Application(s) | | | Priority Claimed | |
|------------------------------|---------|----------------------|--------------------------|--------------------------|
| Number | Country | Day/Month/Year Filed | Yes | No |
| N/I | | | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|--------------------------------|-------------|
| N/A | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status (patented, pending, abandoned) |
|------------------------|-------------|---------------------------------------|
| N/A | | |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Alan H. MacPherson (24,423); Brian D. Ogonowsky (31,988); David W. Heid (25,875); Norman R. Klivans (33,003); Edward C. Kwok (33,938); David E. Steuber (25,557); Michael Shenker (34,250); Stephen A. Terrile (32,946); Peter H. Kang (40,350); Ronald J. Meetin (29,089); Ken John Koestner (33,004); Omkar K. Suryadevara (36,320); David T. Millers (37,396); Kent B. Chambers (38,839); Michael P. Adams (34,763); Robert B. Morrill (43,817); Michael J. Halbert (40,633); Gary J. Edwards (41,008); James E. Parsons (34,691); Daniel P. Stewart (41,332); Philip W. Woo (39,880); John T. Winburn (26,822); Tom Chen (42,406); Fabio E. Marino (43,339); William W. Holloway (26,182); Don C. Lawrence (31,975); Marc R. Ascolese (42,268); Carmen C. Cook (42,433); David G. Dolezal (41,711); Roberta P. Saxon (43,087); Mary Jo Bertani (42,321); Dale R. Cook (42,434); Sam G. Campbell (42,381); Matthew J. Brigham (44,047); Hugh H. Matsubayashi (43,779); Patrick D. Benedicto (40,909); T.J. Singh (39,535); Shireen Irani Bacon (40,494); Rory G. Bens (44,028); George Wolken, Jr. (30,441); John A. Odozynski (28,769); Cameron K. Kerrigan (44,826); Kenneth C. Brooks (38,393); Paul E. Lewkowicz (44,870); Theodore P. Lopez (44,881); Mayankkumar M. Dixit (44,064); and Eric Stephenson (38,321).

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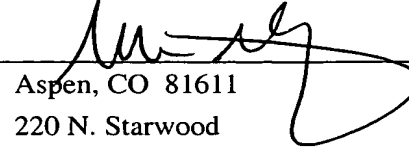
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I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

- Page 3 of 4 -

Full name of sole (or third joint) inventor: Marc (NMI) Mathys

Inventor's Signature: 

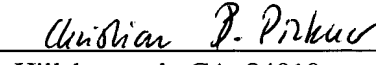
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Full name of sole (or fourth joint) inventor: Christian D. Pirkner

Inventor's Signature: 

Date: 3/15/2000

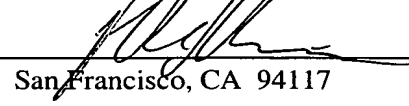
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Full name of sole (or fifth joint) inventor: Pete W. Rice

Inventor's Signature: 

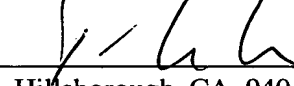
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Citizenship: USA

Full name of sole (or sixth joint) inventor: Thomas R. Sulzer

Inventor's Signature: 

Date: 3-15-2000

Residence: Hillsborough, CA 94010

Post Office Address: 2260 Forestview Ave.
Hillsborough, CA 94010

Citizenship: USA

Switzerland

Th

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert O. Gjerdingen, Rehan M. Khan, Marc (NMI) Mathys,
Christian D. Pirkner, Pete W. Rice, and Thomas R. Sulzer
Assignee: Emotioneering, Inc.
Title: SYSTEM FOR CONTENT BASED MUSIC SEARCHING
Docket No.: M-8410 US

February 25, 2000

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN**

Sir:

I declare that I am an official empowered to act on behalf of the small business concern identified below:

NAME OF CONCERN: Emotioneering, Inc.

ADDRESS OF CONCERN: 2260 Forestview Ave.; Hillsborough, CA 94010

For purposes of paying reduced fees under Section 41 of Title 35 of the United States Code with regard to the invention entitled METHOD FOR CREATING A DATABASE FOR COMPARING MUSIC ATTRIBUTES by inventor(s)

Robert O. Gjerdingen, Rehan M. Khan, Marc (NMI) Mathys, Christian D. Pirkner, Pete W. Rice, and Thomas R. Sulzer
as described in:

- ☒ the specification filed herewith,
☐ U.S. patent application Ser. No. filed _____,
☐ U.S. Patent ____ issued ____.

I declare that the above concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR 121, and more particularly 13 CFR 121.802, namely, (a) the concern's number of employees, including those of its affiliates, does not exceed 500 persons, and (b) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation to assign, grant, convey, or license, any rights in the invention to any person who made it and could not be classified as an independent inventor under 37 CFR 1.9(c), or to any concern which would not qualify as a nonprofit organization under 37 CFR 1.9(e) or a small business concern under 37 CFR 121.802.

I declare that rights under contract or law have been conveyed to and remain with the above-identified small business concern with regard to this invention.

If the rights held by the small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below:

NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Org.

NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Org.

I acknowledge my duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate per 37 CFR 1.28(b).

I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Signature: TS Date: 3-15-2000

Official's Name: Thomas R. Sulzer

Official's Title: President

Concern's Name: Emotioneering, Inc.

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